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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-824

12 **DIANE MILLER**
15221 South Normandy Lane
13 La Mirada, CA 90638
Registered Nurse License No. 294519

A C C U S A T I O N

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 31, 1978, the Board of Registered Nursing issued Registered
22 Nurse License Number 294519 to Diane Miller (Respondent). The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 August 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 10. Respondent began working as a registered nurse at HealthCare Partners of Long
2 Beach, CA ("HP") in or about March, 2006. In or about January, 2008, Respondent was working
3 as a Telehealth Nurse for HP at a call center in Torrance, where her duties were answering
4 medical questions by phone, and as a triage nurse after normal business hours.

5 11. The call center facility is an office type environment, with no emergency medical
6 equipment, and no medications or narcotics of any type, with no doctor assigned to the facility.

7 12. On or about January 27, 2008, Respondent was working at the HP call center on a
8 5pm to 1 am part-time shift, together with another RN, Nurse B, who had a pre-existing medical
9 condition.

10 13. On at least one prior occasion, Nurse B had hydrated herself by starting an IV with
11 Lactated Ringer's solution ("LR") while working at another health care facility, CR, where she
12 was concurrently working in or about January, 2008.

13 14. On or about January 27, 2008 when she came to her shift at HP from her other job at
14 CR, Nurse B brought an IV kit from CR, including one liter of pre-mixed LR, butterfly needle,
15 tubing, gloves, and other supplies to start an IV. Nurse B planned on hydrating herself for about
16 30 minutes on a break, while she was working at HP. Nurse B had previously discussed starting
17 an IV on herself with Respondent. Respondent and Nurse B were coworkers and had become
18 friends over the more than a year they were working together at HP.

19 15. Sometime between 9 and 11 pm, while Nurse B was on break, Respondent assisted
20 Nurse B with both inserting the butterfly needle intravenously and hanging the IV from the
21 cubicle.

22 16. After the IV had been running for between 10 and 15 minutes, Nurse B's supervisor
23 showed up and told Respondent and Nurse B to unhook the IV. Both Respondent and Nurse B
24 were immediately suspended and ultimately terminated from their employment at HP.

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26 PRAYER

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

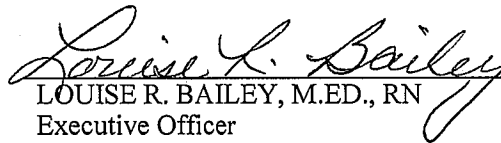
1 1. Revoking or suspending Registered Nurse License Number 294519, issued to Diane
2 Miller;

3 2. Ordering Diane Miller to pay the Board of Registered Nursing the reasonable costs of
4 the investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3;

6 3. Taking such other and further action as deemed necessary and proper.

7 DATED: _____

4/6/11



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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13 accusation.rtf